

REBUTTAL TESTIMONY
OF
GREG ROCKROHR
ENGINEERING DEPARTMENT
ENERGY DIVISION
ILLINOIS COMMERCE COMMISSION

Central Illinois Public Service Company
d/b/a AmerenCIPS

DOCKET NO. 07-0532

Petition for a Certificate of Public Convenience and Necessity,
pursuant to Section 8-406 of the Illinois Public Utilities Act, to
construct, operate and maintain new 138,000 volt electric lines in
Madison County, Illinois.

April 3, 2008

1 **Q. What is your name and business address?**

2 A. My name is Greg Rockrohr. My business address is 527 East Capitol Avenue,
3 Springfield, Illinois 62701.

4 **Q. Are you the same Greg Rockrohr who previously filed direct testimony in**
5 **this proceeding?**

6 A. Yes.

7 **Q. What is the purpose of your rebuttal testimony?**

8 A. The purpose of my rebuttal testimony is to respond to the rebuttal testimony of
9 AmerenCIPS' witness James N. Chapman II, AmerenCIPS Exhibit 6.0. My
10 rebuttal testimony includes my reaction to Mr. Chapman's assertion that my
11 concern regarding eminent domain authority is not warranted.¹

12 **Q. Did Mr. Chapman alleviate your concern regarding AmerenCIPS' receipt of**
13 **eminent domain authority for both transmission lines contemplated in this**
14 **proceeding?**

15 A. No. Mr. Chapman's rebuttal testimony instead confirmed that my concern is
16 justified. I explained in direct testimony that property owners whose land would
17 be crossed by AmerenCIPS' transmission line, identified as COP Sub Tap 1 –
18 Primary, would have lost their opportunity to present evidence in opposition to the
19 line route once an order pursuant to Section 8-503 of the Illinois Public Utilities
20 Act (the "Act") is granted.² I also noted that I know of no reason for AmerenCIPS
21 to request an order pursuant to Section 8-503 of the Act except to obtain eminent

¹ AmerenCIPS Exhibit 6.0, lines 46-47.

² ICC Staff Exhibit 1.0, lines 240-249.

domain authority.³ However, Mr. Chapman pointed out that AmerenCIPS did not directly request eminent domain authority in its initial filing.⁴ Therefore, affected area landowners are likely even now unaware that if the Illinois Commerce Commission (“Commission”), in this proceeding, were to issue an order pursuant to Section 8-503 of the Act, then it will be too late to argue against the proposed routes of the transmission lines to prevent the taking of their property. I believe AmerenCIPS should have clearly requested in its petition an order pursuant to both Sections 8-503 and 8-509 of the Act simultaneously, thereby indicating its intention to obtain eminent domain authority. Regardless of AmerenCIPS’ actual motive, AmerenCIPS’ tactic to guarantee itself eminent domain authority through this proceeding by requesting only an order pursuant to Section 8-503 of the Act, while never actually declaring its intent to obtain eminent domain authority, disguises its intent to use eminent domain authority to whatever extent necessary to complete its project.

Q. Mr. Chapman states in rebuttal testimony that he believes a Section 8-503 order should be issued for both COP Sub Tap 1 –Primary and COP Sub Tap 2 –Primary.⁵ Why do you still disagree with Mr. Chapman?

A. Only one transmission line is necessary to supply the Wood River Refinery (the “refinery”). AmerenCIPS proposes to build the second transmission line because the customer requested the second line, presumably for improved reliability.⁶ However, two transmission lines are not necessary to supply the refinery’s load

³ ICC Staff Exhibit 1.0, lines 175-195: AmerenCIPS did not offer any alternative explanations in its rebuttal testimony for requesting an order pursuant to Section 8-503 of the Act.

⁴ AmerenCIPS Exhibit 6.0, lines 36-37.

⁵ AmerenCIPS Exhibit 6.0, lines 62-65.

⁶ AmerenCIPS Exhibit 1.0, lines 113-114.

with 138kV service. As an example, another customer in close proximity to the refinery, identified on AmerenCIPS Exhibits 1.1 and 1.2 as BOC Gas, is presently supplied by a single 138 kV transmission line. AmerenCIPS should not be granted eminent domain authority to take property for a line that is not necessary to provide adequate service. However, since AmerenCIPS has stated that WRB Refining, Inc., and not ratepayers, would bear all costs for constructing the second line, I would not object to the construction of that second line as long as landowners were willing to sell or convey the necessary property rights to AmerenCIPS after negotiating with AmerenCIPS and/or the refinery. It is my position that if, after negotiations with landowners, AmerenCIPS cannot reach agreement to obtain property rights for the transmission line route identified as COP Sub Tap 1 –Primary, then a second transmission line should not be built over that route. It is my position that the need for the second line, which is based upon the refinery’s request for redundant 138kV service, does not warrant AmerenCIPS receiving eminent domain authority to take and damage property. In contrast, AmerenCIPS’ position appears to be that if, after negotiating with landowners, AmerenCIPS still cannot reach agreement to obtain property rights for the route identified as COP Sub Tap 1 –Primary, then it should be allowed to play its trump card, the Commission’s Section 8-503 order, to condemn property so that it can build the second transmission line anyway.⁷

Q. Are there other options available to AmerenCIPS to provide the refinery with a second transmission line?

⁷ AmerenCIPS Exhibit 6.0, lines 41-46.

65 A. Yes. If AmerenCIPS cannot, through negotiations with landowners, obtain
66 property rights for the second transmission line over the route identified as COP
67 Sub Tap 1 –Primary, then it appears AmerenCIPS could modify the structures it
68 proposes to use for its route identified as COP Sub Tap 2 –Primary, and provide
69 a second 138 kV transmission line along that same route. While such a plan
70 would not offer the same increased level of reliability as two 138kV transmission
71 lines that follow separate routes, some measure of increased reliability for the
72 refinery would still be achieved.

73 **Q. Do you have any additional comments regarding your recommendation that**
74 **the Commission not issue an order pursuant to Section 8-503 of the Act for**
75 **a transmission line along the route identified as COP Sub Tap 1 -Primary?**

76 A. Yes. In my direct testimony I explained that, although I was not an attorney, I
77 understood that with a Certificate of Public Convenience and Necessity (“CPCN”)
78 issued under Section 8-406 of the Act, the Commission grants permission to the
79 utility to construct a specific project, but that the utility may still elect not to
80 construct it. I explained that with an order pursuant to Section 8-503 of the Act,
81 the Commission directs the utility to construct that project.⁸ My recommendation
82 in direct testimony that the Commission grant AmerenCIPS a CPCN for both of
83 the transmission lines it proposes is based upon this expressed understanding.
84 If the Commission instead interprets these two statutes to mean that anytime a
85 CPCN is issued under Section 8-406 of the Act, then an order pursuant to
86 Section 8-503 of the Act is automatically justified, then my recommendation to
87 the Commission would be to only issue a CPCN to AmerenCIPS for the

88 transmission line planned for the northern-most route, identified as COP Sub Tap
89 2 –Primary.

90 **Q. Does this conclude your prepared rebuttal testimony?**

91 A. Yes.

⁸ ICC Staff Exhibit 1.0, lines 146-174.